
HOUSE BILL No. 1077

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-16-12-1; IC 31-16-12-3

Synopsis: Child support arrearage. Provides that a court may issue an order directing a person to pay a child support arrearage. Provides that the order is enforceable by contempt or any other remedy available for the enforcement of a child support decree.

Effective: Upon passage.

Ayres, Sturtz, Kuzman, Foley

January 8, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1077

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-16-12-1, AS AMENDED BY P.L.123-2001,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. Notwithstanding any other law, all orders
4 and awards contained in a child support decree **or an order directing**
5 **a person to pay a child support arrearage** may be enforced by:

- 6 (1) contempt, including the provisions under section 6 of this
7 chapter;
8 (2) assignment of wages or other income; or
9 (3) any other remedies available for the enforcement of a court
10 order;

11 except as otherwise provided by IC 31-16-2 through IC 31-16-11 or
12 this chapter.

13 SECTION 2. IC 31-16-12-3 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The
15 obligation of a person to pay child support arrearages does not
16 terminate when the person's duty to support a child ceases under
17 IC 31-16-6-6 (or IC 31-1-11.5-12(e) before its repeal). The statutes



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applicable to the collection of child support obligations are applicable to the collection of child support arrearages described in this section.

(b) The court, upon request of a person or an agency entitled to receive child support payments, may issue an order that contains any of the following:

(1) A determination of the amount of child support arrearage due to a person or an agency entitled to receive child support payments.

(2) An order directing a person to pay the child support arrearage.

(3) The schedule and other terms on which a person is to pay a child support arrearage.

(4) Any other provision that the court determines to be appropriate.

An order issued under this subsection is enforceable to the same extent as an order or award in a child support decree.

SECTION 3. [EFFECTIVE UPON PASSAGE] It is the intent of the general assembly to make contempt and all other remedies for the enforcement of a child support order available to assist in the enforcement of a child support order regardless of whether the child for whom the child support was ordered is emancipated. For this purpose, the general assembly is establishing a procedure for the enforcement of a child support arrearage through an order directing a person to pay a child support arrearage. IC 31-16-12-1 and IC 31-16-12-3, both as amended by this act, apply to a child support arrearage that exists after the effective date of this SECTION regardless of when the arrearage accrued.

SECTION 4. An emergency is declared for this act.

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